

REMARKS

Claims 1-32 are pending in the present application and have been examined. Claims 1-32 have been rejected under 35 U.S.C. § 103(a) as unpatentable over Schutzer (U.S. Patent 6,292,789) in view of Hilt (U.S. Patent 5,465,206) and further in view of O'Leary (U.S. Patent 6,609,113). Applicants respectfully traverse this rejection.

Applicants note that the new reference, O'Leary, added in the present Office Action claims an earliest priority date of May 3, 1999, and was issued on August 19, 2003. The present application claims priority to a U.S. provisional application dated June 29, 2000, and was filed on January 30, 2001. The O'Leary reference is only prior art under 35 U.S.C. § 102(e).

Under 35 U.S.C. § 103(c), a reference that qualifies as prior art only under § 102(e) cannot be used as a reference under a § 103 rejection if the subject matter disclosed in the reference and the claimed invention were, at the time the invention was made, owned by the same person. Both the subject matter contained in the O'Leary reference and the claimed invention were owned by The Chase Manhattan Bank (now known as JPMorgan Chase Bank) at the time the invention was made. Applicants therefore respectfully submit that the O'Leary reference cannot be used in a rejection under § 103. Withdrawal of the rejection of claims 1-32 on the basis of the combination of Schutzer, Hilt and O'Leary is therefore respectfully requested.

As Applicants have overcome all of the rejections of the claims contained in the Office Action, it is respectfully submitted that all of the claims are currently in condition for allowance and such action earnestly solicited.

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Respectfully submitted,

By


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